

EXHIBIT 8

## AFFIDAVIT OF SERVICE

PLAINTIFF(S) <u>Jodi H. Brown</u>	COURT TERM and NO. <u>SC-01-02-26-1994</u>	COUNTY <u>PHILA PA.</u>
DEFENDANT(S) <u>MAXA PLAMM, PIERCE JR. COLLEGE</u>	DATE PREPARED	SERVED BY <u>JOHN MANUSAVAGE</u>
SERVE AT <u>MS. MAXA PLAMM, PROFESSOR</u> <u>1420 PINE ST.</u> <u>PHILA PA 19106</u>	<input type="checkbox"/> Civil Action <input type="checkbox"/> Summons <input type="checkbox"/> Writ Of COMPANY CONTROL NUMBER	<input type="checkbox"/> Subpoena <input type="checkbox"/> Notice of Real Estate Sale <input type="checkbox"/> Other
SPECIAL INSTRUCTIONS		

Served and made known to MS MAXA PLAMM BY SUPERVISOR MS. PARKER, B/F, 5'2"; 110; B.E.H.M.; D.K. SHERMAN  
 on the 26th day of OCTOBER at 1420 PINE ST. PHILA PA, County of PHILA  
 at 1420 PINE ST. PIERCE JR. COLLEGE PHILA PA, Commonwealth of Pennsylvania, in the manner described below:

- ☐ Defendant(s) personally served  
☐ Adult family member with whom said Defendant(s) reside(s). Relationship is \_\_\_\_\_  
☐ Adult in charge of Defendant's residence who refused to give name or relationship.  
☒ Agent of person in charge of Defendants's office or usual place of business. MS. PARKER, MS. PLAMM'S SUPERVISOR  
☐ Other \_\_\_\_\_ an officer of said Defendant company.

Description Age: 30 Height: 5'2" Weight: 110 Race: BLACK Sex: F  
 On the 26th day of OCTOBER, 2002, at 1420 PINE ST. PHILA PA  
 Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

## NAME OF SERVER

JOHN MANUSAVAGE being duly sworn according to law, deposes and says that  
 he/she is process server herein names; and that the facts herein set forth above are  
 true and correct to the best of their knowledge, information and belief.

Sheriff \_\_\_\_\_ Process Server/Competent Adult John Manusavage

Law Firm  
 Attorney's Name SATLAK, JOSHUA, ESQ  
1835 MARKET ST. (2ND FL)  
 Address PHILA PA

Telephone # 496 1396 Client # \_\_\_\_\_

ATTEST  
 PRO PROTHY

DATE

EXHIBIT 9

COPY

1 IN THE PHILADELPHIA MUNICIPAL COURT,  
2 PHILADELPHIA, PENNSYLVANIA

3 - - -  
4 JODI H. BROWN, M.D., :  
5 Plaintiff: :  
6 vs. :  
7 MARA FLAMM, :  
8 Defendant: NO. SC-0-02-20-1994  
9 - - -

10 - - -  
11 December 5, 2001  
12 - - -

13 Statement for the record taken at the  
14 Law Offices of Sarner & Associates,  
15 Eleven Penn Center, 29th Floor, Philadelphia,  
16 Pennsylvania, beginning at approximately  
17 10:00 a.m. before Angela M. Mazzio,  
18 Professional Court Reporter and Notary Public  
19 in and for the Commonwealth of Pennsylvania.  
20

21 - - -  
22 SUMMIT COURT REPORTING, INC.  
23 Professional Court Reporters  
24 and Videographers  
1500 Market Street, 12th Floor - East Tower  
Philadelphia, Pennsylvania 19102  
(215) 665-5633 \* (609) 567-3315

1 APPEARANCES:

2  
3 Law Offices of Sarner & Associates  
4 BY: LEONARD SARNER, ESQUIRE  
Eleven Penn Center, 29th Floor  
5 1835 Market Street  
Philadelphia, Pennsylvania 19103  
6 (215) 496-1396

7 Representing the Plaintiff  
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I am submitting to the court reporter the Notice of Taking Deposition in Aid of Execution issued by the Law Firm of Sarner & Associates by Joshua Sarner, one of the partners, to Mara Flamm in care of Pierce College, 1420 Pine Street, Philadelphia, Pennsylvania 19102-4699. And also sent to her home address at Mara Flamm, 709 S. Schell Street, Philadelphia,

1 Pennsylvania 19147. And I ask that  
2 the court reporter place this as an  
3 exhibit in this deposition hearing.

4 This law firm has been  
5 advised by the husband of Mara Flamm  
6 by telephone that the witness  
7 scheduled for the deposition will  
8 not appear at this hearing.

9 At 10 o'clock, at which time  
10 the hearing was to proceed, she is  
11 not present in the Law Offices of  
12 Sarner & Associates nor in the  
13 building, Eleven Penn Center, nor  
14 downstairs in the lobby.

15 We will wait until  
16 10:30 a.m. to determine if  
17 Mrs. Flamm will appear as the  
18 deposed witness. If not, the  
19 hearing will be closed. It is now  
20 five after ten on the scheduled date  
21 and we will wait 25 minutes to 10:30  
22 and resume the hearing to determine  
23 whether she does appear.  
24

1                               - - -  
2                               (Whereupon, a short recess  
3                               was taken.)  
4                               - - -

5                               MR. SARNER: We have  
6                               interrupted this proceeding to give  
7                               the witness to be deposed, Mara  
8                               Flamm, additional time to come to  
9                               the Law Offices of Sarner &  
10                              Associates, 29th Floor, 1835 Market  
11                              Street, Eleven Penn Center,  
12                              Philadelphia, Pennsylvania, 19103.

13                             It is now 10:40 a.m. on  
14                             December 5, 2001 and Mrs. Flamm has  
15                             not appeared at the Offices of  
16                             Sarner & Associates, nor has she  
17                             been seen or present in the lobby of  
18                             the building. Accordingly, the  
19                             hearing is closed.  
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CERTIFICATION

I hereby certify that the proceedings, evidence, and objections noted are contained fully and accurately in the notes taken by me in the hearing of the above matter, and that this is a correct transcript of the same.

Angela M. Mazzio

Angela M. Mazzio

Professional Court Reporter  
and Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

**EXHIBIT 10**

**W&B**  
**WILK & BRAND, P.C.**  
ATTORNEYS AT LAW

1200 WALNUT STREET, 5TH FLOOR • PHILADELPHIA, PA 19107 • TELEPHONE (215) 985-1500 • FAX (215) 546-5355

Ronald G. Wilk  
Robert P. Brand  
Laurence A. Mester  
Michael D. Caramelo

MONTGOMERY COUNTY OFFICE  
P.O. BOX 333  
BLUE BELL, PENNSYLVANIA 19422  
(215) 542-1613  
FAX (215) 542-0956

NEW JERSEY OFFICE  
4 GREENTREE CENTRE, SUITE 201  
MARLTON, NEW JERSEY 08053  
(856) 985-7525  
FAX (856) 988-0657

November 16, 2001

Via Facsimile Transmission & U.S. Mail  
(215) 568-1044  
Josh Sarner, Esquire  
**SARNER & ASSOCIATES**  
11 Penn Center, 29<sup>th</sup> Floor  
Philadelphia, PA 19103

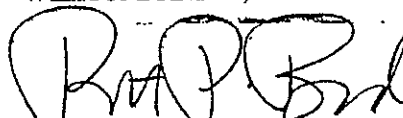
RE: Jodi H. Brown, M.D. v. Mara Flamm

Dear Mr. Sarner:

Please be advised that the \$1200.00 verbal offer I made to you to settle the above-captioned matter is hereby withdrawn.

Very truly yours,

WILK & BRAND, P.C.

  
ROBERT P. BRAND

RPB/mdf

**EXHIBIT 11**



**SARNER & ASSOCIATES**

A PROFESSIONAL CORPORATION OF ATTORNEYS AT LAW

LEONARD SARNER  
JOSHUA SARNER\*  
PAUL M. LEWIS\*\*

OF COUNSEL: EDWARD B. SHILS, PH.D., S.J.D.

\*ALSO ADMITTED IN NJ  
\*\*ALSO ADMITTED IN NY

11 PENN CENTER, 29TH FLOOR  
PHILADELPHIA, PA 19103

TEL: (215) 496-1396  
FAX: (215) 568-1044

13 TANNER STREET  
HADDONFIELD, NJ 08033  
TEL: (856) 616-9393  
FAX: (856) 795-8221

January 22, 2002

**Via Certified Mail, Return Receipt Requested  
and First Class Mail**

Ms. Mara Flamm  
c/o Peirce College  
1420 Pine Street  
Philadelphia, PA 19102-4699


Ms. Mara Flamm  
709 South Schell Street  
Philadelphia, PA 19147

**RE: Jodi H. Brown, M.D. vs. Mara Flamm  
No. SC-01-02-20-1994**

Dear Ms. Flamm:

Enclosed is the executed Rule to Show Cause and Petition in the above matter, setting the hearing date for February 21, 2002 at 1:30 p.m. in Courtroom 4-B, 4<sup>th</sup> Floor, 34 South 11<sup>th</sup> Street, Philadelphia.

Very truly yours,

  
JOSH SARNER

JS/lbh-a  
Enclosure

cc: Robert P. Brand, Esquire  
(Via Regular Mail)



SARNER & ASSOCIATES  
By: Joshua Sarnar, Esquire  
I.D. #54463  
11 Penn Center, 29<sup>th</sup> Floor  
Philadelphia, PA 19103  
215-496-1396  
Attorneys for Plaintiff  
Jodi H. Brown, M.D.

HEARING DATE ASSIGNED  
JAN 22 2002  
M.C. JUDGMENT &  
PETITION DEPT.

IN THE PHILADELPHIA MUNICIPAL COURT

JODI H. BROWN, M.D.,

Plaintiff,

v.

MARA FLAMM,

Defendant,

No. SC-01-02-20-1994

RULE TO SHOW CAUSE

AND NOW, this 17<sup>th</sup> day of JAN, 2002, the Court having read and

considered the foregoing Petition, grants a rule on the Defendant to show cause why the Plaintiff should not be allowed to proceed.

Rule returnable the 21<sup>st</sup> Day of FEB, 2002 at 1:30p. o'clock, in Courtroom

46, 4<sup>th</sup> Floor, 34 South 11<sup>th</sup> Street, Philadelphia, PA.

BY THE COURT:

J. Silberstein  
J.



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a. By hand delivery. A copy of the Return of Service, wherein service was accomplished, is attached hereto as Exhibit "B."

b. By regular and certified mail. The regular mail was not returned, and the certified mail was returned unclaimed. A true and correct copy of the transmittal letter and returned certified envelope is attached hereto as Exhibit "C."

5. On November 16, 2001, settlement negotiations with Flamm's husband and counsel, Robert P. Brand, Esquire, broke down. A copy of Mr. Brand's November 16, 2001 letter is attached as Exhibit "D."

6. On December 4, 2001, Mr. Brand advised counsel by telephone message that Flamm would not appear at the deposition. No reason was given for the failure to appear.

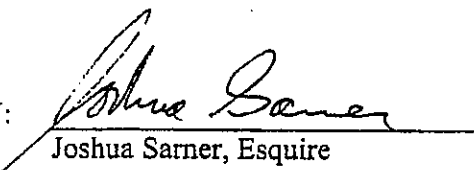
7. December 5, 2001, Flamm failed to appear for her oral deposition without justification or cause. A copy of the transcript of the deposition is attached hereto as Exhibit "E."

WHEREFORE, it is respectfully requested that this Honorable Court enter an Order compelling the appearance of Mara Flamm for her oral deposition and to bring with her all documents previously requested.

Respectfully submitted,

SARNER & ASSOCIATES

BY:

  
Joshua Sarnar, Esquire  
Attorney I.D. No. 54463  
11 Penn Center - 29<sup>th</sup> Floor  
1835 Market Street  
Philadelphia, PA 19103  
Phone: 215-496-1396

Date: January 9, 2002

**CERTIFICATE OF SERVICE**

I, Joshua Sarnier, Esquire, do hereby certify that on this 9 day of ~~December~~ <sup>January</sup>, 2002, a true and correct copy of the foregoing Motion to Compel Deposition in Aid of Execution of Defendant Mara Flamm was served as set forth below:


**BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND REGULAR MAIL**

Mara Flamm  
C/O Peirce College  
1420 Pine Street  
Philadelphia, PA 19102-4699

Mara Flamm  
709 S. Schell Street  
Philadelphia, PA 19147

**BY REGULAR MAIL**

Robert P. Brand, Esquire  
Wilk & Brand, P.C.  
1200 Walnut Street  
5<sup>th</sup> Floor  
Philadelphia, PA 19107

  
JOSHUA SARNIER, ESQUIRE

DATED: 1/9/02

EXHIBIT "A"

**EXHIBIT****FLAMM-1**

12/5/01 AM

SARNER & ASSOCIATES  
By: Joshua Sarnar, Esquire  
I.D. #54463  
11 Penn Center, 29<sup>th</sup> Floor  
Philadelphia, PA 19103  
215-496-1396  
Attorneys for Plaintiff

**IN THE PHILADELPHIA MUNICIPAL COURT**

JODI H. BROWN, M.D.,

Plaintiff,

No. SC-01-02-20-1994

v.

MARA FLAMM,

Defendant,

**NOTICE OF TAKING DEPOSITION IN AID OF EXECUTION**

To: Mara Flamm  
C/O Peirce College  
1420 Pine Street  
Philadelphia, PA 19102-4699

Mara Flamm  
709 S. Schell Street  
Philadelphia, PA 19147

PLEASE TAKE NOTICE that, pursuant to Pennsylvania Rule of Civil Procedure 3117, the undersigned will take the deposition upon oral examination of Mara Flamm, before a notary public or other person authorized by law to administer oaths. The deposition will commence on December 5, 2001, at 10:00 a.m., and continue from day to day until completed, unless otherwise adjourned. The testimony will be taken at the offices of Sarnar & Associates, 11 Penn Center - 29<sup>th</sup> Floor, 1835 Market Street, Philadelphia, PA 19103, at which time and place Defendant is directed to appear and bring with him/her the following:

1. All of Defendant's tax returns and supporting schedules (federal, state and local) which were filed, either individually or jointly, for the calendar years 1998 to the present.
2. All passbooks, statements and deposit slips for the preceding twelve (12) months for any savings account, money market account, trust account, IRA accounts, 401(k) account, KEOGH plan, interest bearing account or similar account at any bank, savings institution, credit union or other financial institution held by Defendant, either individually or jointly.
3. All statements, canceled checks, deposit slips and checkbook registers for the preceding twelve (12) months for any checking account held in Defendant's name, either individually or jointly.
4. All stocks, bonds or other securities of any kind whatsoever owned by Defendant, individually or jointly, a list of all securities held by any other persons, brokerage houses or banks for Defendant in trust, by pledge or otherwise; and all statements, invoices and other documents from brokers or brokerage services in connection therewith.
5. Any and all insurance policies or riders thereto, for the years 1998 to the present, which cover the loss of personal property where the Defendant is a named beneficiary.
6. A list of all real estate owned by Defendant, or in which Defendant has or had any interest of any kind whatsoever, or which someone else held for Defendant in trust or otherwise, during the preceding twelve (12) months.
7. Any and all financial statements whether prepared by or for the Defendant during the preceding twenty-four (24) months.
8. Any application for a loan made by the Defendant, either individually or jointly, during the past twenty-four (24) months.

9. All deeds, indentures, bonds, mortgages, title insurance policies, public liability insurance policies, tax bills, leases, and all other documents evidencing any legal or equitable interest in real estate owned by Defendant, or in which he/she has or had within the last twenty four (24) months any interest of any kind whatsoever or which someone else holds for him/her in trust or otherwise.

10. Any and all certificates of deposit, promissory notes, security agreements, mortgages, mechanic's liens, or other evidences of indebtedness of any kind whatsoever owing to Defendant, individually or jointly, or held for Defendant in trust or otherwise.

11. A list of all motor vehicles, mobile homes, or boats owned by Defendant, either individually or jointly.

12. Any and all vehicle registration cards, titles, insurance policies, and all other documents evidencing any legal or equitable interest in any motor vehicles, mobile homes or boats owned by Defendant during the preceding twenty-four (24) months, or in which the Defendant has had any interest of any kind whatsoever or which someone else holds or has held for the Defendant in trust or otherwise.

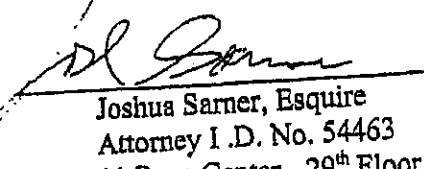
13. All documents reflecting the Defendant's right to receive royalties from any source.

14. The names and locations of all banks or other institutions in which the Defendant rents or rented in the last twenty-four (24) months, a safe deposit box, and the keys thereto.

15. All documents evidencing if the Defendant is a beneficiary of any trust.

SARNER & ASSOCIATES

BY:

  
Joshua Sarnar, Esquire  
Attorney I.D. No. 54463  
11 Penn Center - 29<sup>th</sup> Floor  
1835 Market Street  
Philadelphia, PA 19103  
Phone: 215-496-1396  
Fax: 215-568-1044

Dated: 10/19/01

EXHIBIT "B"



## AFFIDAVIT OF SERVICE

PLAINTIFF(S) <u>Jodi H. Brown</u>	COURT TERM and NO. <u>SC-01-02-20-1994</u>	COUNTY <u>PHILA PA.</u>
DEFENDANT(S) <u>MARA PLAMM, PIERCE JR. COLLEGE</u>	DATE PREPARED	SERVED BY <u>JOHN MATUSAVAGE</u>
SERVE AT <u>MS. MARA PLAMM, PROFESSOR</u> <u>1420 PINE ST.</u> <u>PHILA PA 19106</u>	<input type="checkbox"/> Civil Action <input type="checkbox"/> Summons <input type="checkbox"/> Writ Of COMPANY CONTROL NUMBER	<input type="checkbox"/> Subpoena <input type="checkbox"/> Notice of Real Estate Sale <input type="checkbox"/> Other
SPECIAL INSTRUCTIONS		

Served and made known to MS. MARA PLAMM BY SUPERVISOR MS. PERKINS, B/F, 5'2", 110; B.E.H.M.; D.K. SUNKAL  
 on the 26th day of OCTOBER at 2:04 PM, at 1420 PINE ST. PHILA PA  
 at 1420 PINE ST. PIERCE JR. COLLEGE PHILA PA, County of PHILA  
 Commonwealth of Pennsylvania, in the manner described below:

- ☐ Defendant(s) personally served  
☐ Adult family member with whom said Defendant(s) reside(s). Relationship is \_\_\_\_\_  
☐ Adult in charge of Defendant's residence who refused to give name or relationship.  
☒ Agent or person in charge of Defendants's office or usual place of business. MS. PERKINS, MS. PLAMM'S SUPERVISOR  
☐ Other \_\_\_\_\_ an officer of said Defendant company.

Description Age: 30 Height: 5'2" Weight: 110 Race: BLACK Sex: F  
 On the 26th day of OCTOBER, 2002, at 1420 PINE ST. PHILA PA  
 Defendant not found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

## NAME OF SERVER

JOHN MATUSAVAGE being duly sworn according to law, deposes and says that  
 he/she is process server herein names; and that the facts herein set forth above are  
 true and correct to the best of their knowledge, information and belief.

Sheriff _____	Process Server/Competent Adult <u>John Matusavage</u>
Law Firm <u>SATLER, JOSHUA, ESQ</u>	ATTEST
Attorney's Name <u>1835 MARKET ST. (28TH FL)</u>	PRO PROTHY
Address <u>PHILA PA</u>	
Telephone # <u>496 1396</u>	DATE
Client # _____	

EXHIBIT "C"

**SARNER & ASSOCIATES**  
A PROFESSIONAL CORPORATION OF ATTORNEYS AT LAW

LEONARD SARNER  
JOSHUA SARNER\*  
PAUL M. LEWIS\*\*

OF COUNSEL: EDWARD B. SHILS, Ph.D., S.J.D.

\*ALSO ADMITTED IN NJ  
\*\* ALSO ADMITTED IN NY

11 PENN CENTER, 29TH FLOOR  
PHILADELPHIA, PA 19103

TEL: (215) 496-1396  
FAX: (215) 568-1044

13 TANNER STREET  
HADDONFIELD, NJ 08033  
TEL: (856) 616-9393  
FAX: (856) 795-8221

October 19, 2001

Via Certified Mail, RRR

Ms. Mara Flamm  
709 South Schell Street  
Philadelphia, PA 19147

RE: Jodi H. Brown, M.D. vs. Mara Flamm

Dear Ms. Flamm:

Enclosed please find a Notice of Taking Deposition in Aid of Execution in the above-referenced matter.

Sincerely,

JOSH SARNER

JS:lbh-a  
Enclosure  
cc: First Class Mail

Fold at line over top of envelope to  
the right of the return address

**CERTIFIED**

Z 215 638 734

**MAIL**

LAW OFFICES  
**SARNER & ASSOCIATES**  
A PROFESSIONAL CORPORATION  
11 PENN CENTER, 29TH FLOOR  
PHILADELPHIA, PA 19103

*H. Sarnar*

Via Certified Mail, RRR  
Mrs. Mara Flamm  
709 South Schell Street  
Philadelphia, PA 19147

**RTS**  
RETURN TO SENDER

☐ INSUFFICIENT ADDRESS  
☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH NUMBER/ STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☒ - UNABLE TO FORWARD

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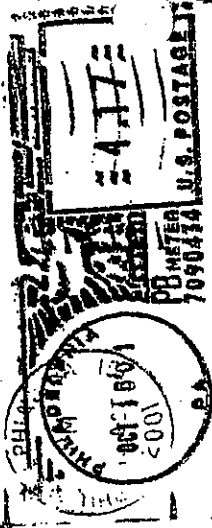


EXHIBIT "D"

**W&B**  
**WILK & BRAND, P.C.**  
ATTORNEYS AT LAW

1200 WALNUT STREET, 5TH FLOOR • PHILADELPHIA, PA 19107 • TELEPHONE (215) 985-1500 • FAX (215) 546-5355

Ronald G. Wilk  
Robert P. Brand  
Laurence A. Mester  
Michael D. Caramelo

MONTGOMERY COUNTY OFFICE  
P.O. BOX 333  
BLUE BELL, PENNSYLVANIA 19422  
(215) 542-1613  
FAX (215) 542-0950

NEW JERSEY OFFICE  
4 GREENTREE CENTRE, SUITE 201  
MARLTON, NEW JERSEY 08053  
(856) 985-7525  
FAX (856) 988-0657

November 16, 2001

Via Facsimile Transmission & U.S. Mail  
(215) 568-1044

Josh Sarnier, Esquire  
**SARNER & ASSOCIATES**  
11 Penn Center, 29<sup>th</sup> Floor  
Philadelphia, PA 19103

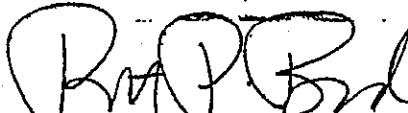
RE: Jodi H. Brown, M.D. v. Mara Flamm

Dear Mr. Sarnier:

Please be advised that the \$1200.00 verbal offer I made to you to settle the above-captioned matter is hereby withdrawn.

Very truly yours,

WILK & BRAND, P.C.

  
ROBERT P. BRAND

RPB/mdf

EXHIBIT "E"

ORIGINAL

1 IN THE PHILADELPHIA MUNICIPAL COURT,  
2 PHILADELPHIA, PENNSYLVANIA  
3 - - -

4 JODI H. BROWN, M.D., :  
Plaintiff: :

5 vs. :

6 MARA FLAMM, :  
7 Defendant: NO. SC-0-02-20-1994  
8 - - -

9  
10  
11 December 5, 2001  
12 - - -

13 Statement for the record taken at the  
14 Law Offices of Sarner & Associates,  
15 Eleven Penn Center, 29th Floor, Philadelphia,  
16 Pennsylvania, beginning at approximately  
17 10:00 a.m. before Angela M. Mazzio,  
18 Professional Court Reporter and Notary Public  
19 in and for the Commonwealth of Pennsylvania.  
20

21 - - -  
22 SUMMIT COURT REPORTING, INC.  
Professional Court Reporters  
and Videographers  
23 1500 Market Street, 12th Floor - East Tower  
Philadelphia, Pennsylvania 19102  
24 (215) 665-5633 \* (609) 567-3315



1 APPEARANCES:

2  
3 Law Offices of Sarnier & Associates  
4 BY: LEONARD SARNIER, ESQUIRE  
5 Eleven Penn Center, 29th Floor  
6 1835 Market Street  
7 Philadelphia, Pennsylvania 19103  
8 (215) 496-1396

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10 Representing the Plaintiff  
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MR. SARNER: This proceeding involves the deposition of Mara Flamm in the case of Jodi H. Brown, M.D. versus Mara Flamm in the Philadelphia Municipal Court, No. SC-01-02-20-1994.

It is now 10 o'clock a.m. on December 5, 2001 at the Law Offices of Sarner & Associates, 1835 Market Street, Eleven Penn Center, 29th Floor, Philadelphia, Pennsylvania 19103.

I am submitting to the court reporter the Notice of Taking Deposition in Aid of Execution issued by the Law Firm of Sarner & Associates by Joshua Sarner, one of the partners, to Mara Flamm in care of Pierce College, 1420 Pine Street, Philadelphia, Pennsylvania 19102-4699. And also sent to her home address at Mara Flamm, 709 S. Schell Street, Philadelphia,

1 Pennsylvania 19147. And I ask that  
2 the court reporter place this as an  
3 exhibit in this deposition hearing.

4 This law firm has been  
5 advised by the husband of Mara Flamm  
6 by telephone that the witness  
7 scheduled for the deposition will  
8 not appear at this hearing.

9 At 10 o'clock, at which time  
10 the hearing was to proceed, she is  
11 not present in the Law Offices of  
12 Sarner & Associates nor in the  
13 building, Eleven Penn Center, nor  
14 downstairs in the lobby.

15 We will wait until  
16 10:30 a.m. to determine if  
17 Mrs. Flamm will appear as the  
18 deposed witness. If not, the  
19 hearing will be closed. It is now  
20 five after ten on the scheduled date  
21 and we will wait 25 minutes to 10:30  
22 and resume the hearing to determine  
23 whether she does appear.  
24

1  
2 (Whereupon, a short recess  
3 was taken.)  
4

5 MR. SARNER: We have  
6 interrupted this proceeding to give  
7 the witness to be deposed, Mara  
8 Flamm, additional time to come to  
9 the Law Offices of Sarner &  
10 Associates, 29th Floor, 1835 Market  
11 Street, Eleven Penn Center,  
12 Philadelphia, Pennsylvania, 19103.

13 It is now 10:40 a.m. on  
14 December 5, 2001 and Mrs. Flamm has  
15 not appeared at the Offices of  
16 Sarner & Associates, nor has she  
17 been seen or present in the lobby of  
18 the building. Accordingly, the  
19 hearing is closed.  
20  
21  
22  
23  
24

CERTIFICATION

I hereby certify that the proceedings, evidence, and objections noted are contained fully and accurately in the notes taken by me in the hearing of the above matter, and that this is a correct transcript of the same.

Angela M. Mazzio

Angela M. Mazzio

Professional Court Reporter  
and Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

**EXHIBIT 12**

## Return of Service

On the 24th day of JANUARY, 2002  
I, JOHN PINTUSAVAGE, served with the foregoing subpoena by (de-  
scribe method of service): HAND DELIVERED TO PIERCE COLLEGE  
ON 1-24-02 AT 1:12 PM. MS CARMELITA RUTLING WHO ACCEPTED LEGAL DOCUMENTS FOR  
ROTHSCHILD MARRA PLAMM WHO WAS UNAVAILABLE AT THIS TIME

I verify that the statements in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

1-24-02

Date

John Pintusavage

Signature

MS MARRA PLAMM BY CARMELITA RUTLING

Name of Person Served

**EXHIBIT 13**



**JANE MacELHENNEY****Attorney at Law****Suite 500****1200 Walnut Street****Philadelphia, PA 19107****(215) 735-3713****FAX (215) 546-3440****January 25, 2002****TO: Joshua Sarner****RE: Mara Flamm****Dear Sir or Madam:****Enclosed herewith please find the following:**

- |  |   |
|--|---|
| <input type="checkbox"/> Answer to Motion                          | <input type="checkbox"/> Complaint                                    |
| <input type="checkbox"/> Application for Turnover                  | <input type="checkbox"/> Amended Plan                                 |
| <input type="checkbox"/> Application to Extend Plan                | <input type="checkbox"/> Amended                                      |
| <input type="checkbox"/> Certificate of Service                    | <input type="checkbox"/> Motion to Avoid Lien                         |
| <input checked="" type="checkbox"/> Chapter 7 Petition             | <input type="checkbox"/> Order Requiring Answer and Notice of Hearing |
| <input type="checkbox"/> Motion to Extend Plan                     | <input type="checkbox"/> Notice                                       |
| <input type="checkbox"/> Chapter 11 Petition                       | <input type="checkbox"/> Notice of Intent to Sell                     |
| <input type="checkbox"/> Chapter 13 Petition                       | <input type="checkbox"/> Objection to Proof of Claim                  |
| <input type="checkbox"/> Check in the amount of                    | <input type="checkbox"/> Order, Dated                                 |
| <input type="checkbox"/> Application Directed to Debtor's Employer | <input type="checkbox"/> Motion for Relief                            |
| <input type="checkbox"/> Certification of No Objection             | <input type="checkbox"/> Stipulation                                  |
| <input type="checkbox"/> Debtor's Motion to Abate Plan Payments    | <input type="checkbox"/> Summons                                      |
| <input type="checkbox"/> Application for Allowance of Counsel Fee  | <input type="checkbox"/> Motion to sell free and clear of Liens       |
| <input type="checkbox"/> Interrogs/Application                     |   |
| <input type="checkbox"/> Interrogs/Questionnaire                   |   |
| <input type="checkbox"/>   |   |

**Stop ALL collections attempts and contact at once or we will proceed with a motion for contempt!!**

**Very truly yours,****Jane MacElhenney****Encl.**